

Message Text

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ACTION SCS-03

INFO OCT-01 NEA-09 ISO-00 L-03 /016 W

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R 281713Z JUN 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 2351

C O N F I D E N T I A L NEW DELHI 8637

E.O. 11652: GDS

TAGS: PFOR, CASC, IN

SUBJECT: HARCOS/FLETCHER

FOLNG SENT NEW DELHI FROM CALCUTTA JUNE 28.5#.

QUOTE: CALCUTTA 1332

E.O. 11652: GDS

TAGS : PFOR CASC IN

SUBJECT : HARCOS/FLETCHER

1. CHIEF SECRETARY B.R. GUPTA TOLD ME YESTERDAY THAT THE HIGH COURT HAD PUT "STAY" ON THE RULINGS OF THE CHIEF METROPOLITAN MAGISTRATE CONCERNING RELEASING OF MATERIALS TO THE DEFENSE ATTORNEYS (CALCUTTA 1265).

2. HE INTERPRETED THIS AS MEANING THAT THE TRIAL COULD NOW GE UNDER WAY PROMPTLY, ALTHOUGH, OF COURSE, THE DEFENSE WOULD HAVE TO WAIT UNTIL THE TRIAL WAS ACTUALLY UNDER WAY BEFORE GETTING ACCESS TO ANY OF THESE MATERIALS. HOW MUCH ACCESS THEY WOULD HAVE AFTER, SAID , WOULD BE UP TO THE PRESIDING JUDGE.

3. UNFORTUNATELY, THE CHIEF SECRETARY'S BELIEF THAT THIS ACTION WILL RESULT IN THE TRIAL BEING SCHEDULED ALMOST IMMEDIATE IS AT CONSIDERABLE VARIANCE WITH OUR INFORMATION FROM OTHER SOURCES. DEFENSE LAWYER DUDHWEWALA TOLD THE CONSULAR OFFICER THE CASE WOULD COME BEFORE THE HIGH COURT ON JULY 18 (REF CALCUTTA 1818). CHIEF METROPOLITAN MAGISTRATE SHARMA SAID IN A PHONE CONVERSATION LAST EVEING THAT THE RECORD OF THE CASE HAD GONE TO THE HIGH COURT

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FOR USE IN CONSIDERING THE APPEAL EARLIER IN THE DAY. THIS LATTER

WOULD SEEM TO CONFIRM DUDHWEWALA'S INTERPRETATION OF WHAT WOULD HAPPEN MEXT RATHER THAN THE CHIEF SECRETARY'S.

4. WE SEE NOTHING WE CAN OR SHOULD DO TO SORT OUT THIS CONFUSTION. I WILL CALL THE CHIEF SECRETARY EARLY NEXT WEEK TO INQUIRE ABOUT PROGRESS TOWARD THE END HE FORESHADOWED AND CONTINUE TO PURSUE HIM AS NECESSARY THEREAFTER.
PICKEERING UNQUOTE SCHNEIDER

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NNN

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